

Serial No.: 10/827,476  
Inventor(s): Higgins et al.

U.S. PTO Customer No. 25280  
Case No.: 5615B

### REMARKS

#### *The Pending Claims*

Claims 1, 33-36, and 50 have been amended. Claim 20 has been cancelled without prejudice or disclaimer. New claims 51-55 have been added. Thus, Claims 1-11, 21-24, 27-30, 33-36, 38-39, 42-43, and 50-55 are currently pending.

Claim 1 has been amended to call for a cushion back carpet tile. Claims 33-36 have been amended to call for a floor tile. Claim 50 has been amended to call for a cushion back floor tile. New claims 51-55 have been added to call for a discontinuous coating pattern.

#### *Summary of the Office Action*

The Office Action dated October 2, 2007, included the following rejections:

1. Claims 1-11, 20-24, 27-30, 33-36, 38, 42, 43, and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lukowski, Sr. (US Patent 5,972,148) in view of Tibbals (US Patent 3,579,941).
2. Claim 39 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lukowski, Sr. and Tibbals in view of Bahlo (US Patent 3,847,647).

In response to these rejections and in view of the above Amendments, Applicants provide the following Remarks:

#### *Discussion*

Applicants respectfully believe that Lukowski, Sr. does not teach, suggest, or disclose the use of a foam layer, a cushion back carpet tile, a floor tile, a cushion back floor tile, and the like. Lukowski, Sr. appears to be directed to a process for adding a protective layer (cover sheet) to a flexible sheet flooring product such as a sheet vinyl flooring product. It is rolled and stored, transported and installed rolled. Lukowski, Sr. does not appear to be directed to tile products.

Tibbals is directed to wooden parquet block flooring. Tibbals is not directed to rolled sheet vinyl flooring, to carpet tile, to cushion back carpet tile, to ceramic floor tile, and the like. Tibbals and Lukowski, Sr. are non-analogous art, are directed to vastly different products, teach away from each other, etc. The proposed combination of

Serial No.: 10/827,476  
Inventor(s): Higgins et al.

U.S. PTO Customer No. 25280  
Case No.: 5615B

Lukowski, Sr. and Tibbals appears to be based on improper hindsight use of the present application.

Claim 39 was rejected as being unpatentable over Lukowski, Sr. and Tibbals in view of Bahlo. Applicants respectfully believe that the addition of Bahlo does not cure the deficiencies of Lukowski, Sr. and Tibbals as described above.

The claimed surface covering elements of the present application are especially suited to not require a cover layer. For example, Claim 1 of the present application calls for a friction enhancing coating composition with little or no blocking. A non-blocking composition does not require a cover sheet.

*Conclusion*

In view of the forgoing Amendments and Remarks, it is respectfully believed that the present application is in condition for allowance. Thus, the Examiner is respectfully requested to pass the subject application to Allowance.

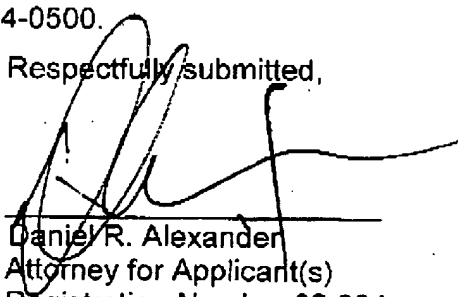
**Fee Authorization:** In the event that there are additional fees associated with the submission of these papers, Applicants hereby authorize the Commissioner to withdraw those fees from our Deposit Account No. 04-0500.

**Extension of Time:** In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicants hereby petition for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 04-0500.

March 3, 2008

Legal Department  
Milliken & Company  
920 Milliken Road (M-495)  
P.O. Box 1926  
Spartanburg, SC 29304

Respectfully submitted,

  
Daniel R. Alexander  
Attorney for Applicant(s)  
Registration Number 32,604  
Tel # (864) 503-1372  
Fax # (864) 503-1999